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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 GALP SIERRA VISTA, L.P., a  
6 Washington limited partnership, et al.,

7 Plaintiffs,

8 v.

9 RSUI INDEMNITY COMPANY, a New  
10 Hampshire corporation,

11 Defendant.

CASE NO. C10-5647BHS

ORDER

12 This matter comes before the Court on Equity Funding, LLC's ("Equity") motion  
13 for contempt of Gary Gray (Dkt. 33).

14 On October 1, 2011, Equity served Gary Gray ("Gray") with a deposition  
15 subpoena. *Id.*, Exh. A. Gray did not attend the deposition. On November 11, 2011,  
16 Equity filed a motion for contempt of Gray. Dkt. 28. Gray did not respond.

17 The Court considers Gray's failure to respond an admission that the motion has  
18 merit. Local Rule 7(b)(2). Based on the record before the Court, Equity has shown that  
19 Gray failed to comply with the deposition request, an action that subjects him to  
20 sanctions. *See* Fed. R. Civ. P. 37. Therefore, the Court grants Equity's motion and  
21 requested sanctions. Equity is responsible for serving this order upon Gray. Within  
22 twenty days from that service, Gray must appear for a deposition and pay all fees and  
23 expenses associated with the court reporter.

24 **IT IS SO ORDERED.**

25 DATED this 20<sup>th</sup> day of December, 2011.

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28 BENJAMIN H. SETTLE  
United States District Judge

ORDER